# JC04 Rec'd PCT/PTO 20 OCT 2005



PATENT Attorney Docket No. 056291-5207

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re Application of: Alan BARGE   | ) Confirmation No. 5602             |
|--|-------------------------------------|
| Application No.: 10/534,721  | ) Group Art Unit: <i>Unassigned</i> |
| International Appln. Filing Date: November 7, 2003   | ) Examiner: Unassigned              |
| For: COMBINATION PRODUCT OF INHIBITOR OF THE SRC FAMILY ON NON-RECEPTOR TYROSINE KINASES AND GEMCITABINE THE TREATMENT OF CANCER | )<br>)<br>)<br>)                    |

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

### Citation of Related U.S. Patent Applications

The Examiner's attention is directed to the following related co-pending U.S. patent applications:

|                        |                   | 1          | PCT Publication No.  |
|------------------------|-------------------|------------|----------------------|
|                        | Filing Date       | Issue Date | PCT Publication Date |
| Laurent François Andre | 10/275,382        |            | WO 01/94341          |
| Hennequin et al.       | November 5, 2002  |            | December 13, 2001    |
| Laurent François Andre | 10/344,678        |            | WO 02/016352         |
| Hennequin et al.       | February 14, 2003 |            | February 28, 2002    |
| Patrick Ple            | 10/533,931        |            | WO 2004/041829       |
|                        | May 4, 2005       |            | October 31, 2002     |

A copy of the specification and claims for each application, in the form of the published PCT application from which such application was filed is being filed herewith.

<u>PLEASE DO NOT PRINT</u> the above information on the patent resulting from the subject application.

Consideration of each listed application is earnestly solicited since unpublished patent applications are contemplated as IDS material; see the exception in Rule 98(a)(2)(iii) and note the penultimate sentence of MPEP 609.

Further, in keeping with MPEP 609, Subsec. C(2), 2nd para., line 10 to end of the paragraph (especially note lines 18-25) PLEASE RETURN A COPY OF THIS LETTER with the Examiner's initials adjacent each above listing so that applicant will know that each listed application has been considered as required by PTO policy.

#### **Citation of Documents**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants petition the Examiner to consider this Information Disclosure Statement and documents listed on the attached Form PTO-1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced Application. Accordingly, Applicants do not believe a fee is due for filing this Supplemental Information Disclosure Statement.

Copies of the listed documents are attached. Applicants respectfully request that the Examiner initial and return the Form PTO-1449, indicating that the information has been considered and made of record herein.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that the listed documents constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

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Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by

this paper to charge any additional fees during the entire pendency of this application including fees due

under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or

credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a

CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R.

§1.136(a)(3).

Respectfully Submitted,

Morgan Lewis & Bockius LLA

Date:

October 20, 2005

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1-WA/2468964.1

| INFORMATION DISCLOSURE CITATION  |          | Attorney Docket No.<br>056291-5207   |   |              | Application No. 10/534,721                                |             |              |                         |  |  |
|--|----------|--|---|--------------|---|-------------|--------------|-------------------------|--|--|
| (Use several sheets if necessary)  |          |  | Applicants: Alan BARGE                      |              |   | PAGE 1 of 1 |              |                         |  |  |
| PTO Form 1449 OC1 2 0 1005   |          | I. A   | I. A. Filing Date: November 7, 2003         |              | Group Art Unit: Unassigned                                |             |              |                         |  |  |
| S. PATENT DOCUMENTS  |          |  |   |              |   |             |              |                         |  |  |
| Initial  |          | Document No.   | Date  |              | Name  | Class       | Sub-Class    | Filing Date             |  |  |
|  |          |  |   |              |   |             |              |                         |  |  |
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| FOREIGN PATENT DOCUMENTS   |          |  |   |              |   |             |              |                         |  |  |
|  |          | Document No.   | Date  |              | Country .   | Class       | Sub-Class    | Translation             |  |  |
|  | 1.       | WO 01/94341  | December 13, 200                            |              | WIPO  |             |              |                         |  |  |
|  | 2        | WO 02/092577   | November 21, 200                            |              | WIPO  |             |              |                         |  |  |
|  | 3.       | WO 02/092578   | November 21, 200                            |              | WIPO  |             |              |                         |  |  |
|  | 4        | WO 02/092579   | November 21, 200                            |              | WIPO  |             | 4            |                         |  |  |
|  | 5.       | WO 02/16352  | February 28, 200                            | 2            | WIPO  |             |              |                         |  |  |
|  | 6.       | WO 2004/032937   | April 22, 2004                              |              | WIPO  |             | -            |                         |  |  |
|  | 7.       | WO 2004/032939   | April 22, 2004                              |              | WIPO  |             |              |                         |  |  |
|  | 8.       | WO 2004/041829   | May 21, 2004                                |              | WIPO  |             |              |                         |  |  |
|  | L .      |  |   |              |   |             |              |                         |  |  |
|  |          | OTHER D  | OCUMENTS (Includ                            | ling         | Author, Title, Date, Pert                                 | inent Pa    | iges, etc.)  |                         |  |  |
|  | 9.       | Baker et al. (2002) "Blockade of Vascular Endothelial Growth Factor Receptor and Epidermal Growth Factor Receptor Signaling for Therapy of Metastatic Human Pancreatic Cancer" Cancer Research 62: 1996-2003 |   |              |   |             |              |                         |  |  |
|  | 10.      |  |   |              |   |             |              |                         |  |  |
| 1000   |          | 2926 - 2935  |   |              | γ,  |             |              |                         |  |  |
|  | 11.      | Duxbury et al. (2004)  | "Inhibition of Src tyrona cells" Clinical C | osin<br>Canc | e kinase impairs inherent a<br>cer Research 10: 2307-2318 | nd acqui    | red gemcitab | ine resistance in human |  |  |
|  | 12.      | Yezhelyev et al. (2004   | 4) "Inhibition of Src T                     | yro:         | sine Kinase as Treatment fo                               |             | n Pancreatic | Cancer Growing          |  |  |
|  | -        | Orthotopically in Nude Mice" Clin. Cancer Res. 10(23): 8028-8036   |   |              |   |             |              |                         |  |  |
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| Examiner Date Considered   |          |  |   |              |   |             |              |                         |  |  |
| Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |          |  |   |              |   |             |              |                         |  |  |